

## REMARKS

Reconsideration of the application is requested.

Claims 1-13 have been rejected. Claims 1-2, 4, and 6-13 have been amended. Claims 3 and 5 have been cancelled, and claims 14 and 15 have been added. Accordingly, Claims 1-2, 4, and 6-15 remain pending in the application.

### Miscellaneous

Applicants respectfully direct the Examiner's attention to the fact that the primary inventor is Roundtree (not Clark), and request the record be updated to reflect this fact.

### Claim Objections

In "Claim Objections," item 2 on page 2 of the above-identified Office Action, claims 4 and 13 have been objected to because of informalities. In response, Applicants have amended claims 4 and 13 to correct the informalities, thus obviating the objections.

### Claim Rejections – 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 4 on page 2 of the above-identified Office Action, claims 1 and 3-12 have been rejected as being fully anticipated by U.S. Patent No. 6,434,554 to Asami *et al.* (hereinafter, "Asami") under 35 U.S.C. § 102(e). Applicants respectfully disagree.

The rejections of claims 3 and 5 are obviated by their cancellation.

Amended claim 1 recites a method comprising:

"formulating, by a client device, a vendor-agnostic data service request to be fulfilled by one or more vendors, said formulating including

depicting, by the client device, a first set of user interface components corresponding to one or more of concepts of a feature tree having a plurality of concepts,

facilitating, by the client device, a user in selecting a first user interface component from the first set of user interface components, and

forming, by the client device, a concept set comprising at least the one or more concepts corresponding to said first user interface component;

sending, by the client device, the vendor-agnostic data service request to a framework service adapted to determine the one or more vendors to fulfill the request or to further provide the request to a service providing server capable of determining the one or more vendors to fulfill the request; and

receiving, by the client device, from the framework service, a solution set including service responses from the one or more vendors to the request."

In contrast, Asami simply teaches query tools to assist users in querying data of a newly defined data type that is stored in a database management system. The query tools, referred to by Asami as query input components, are registered in a query component information store along with information about the newly defined data type. If the query device of a user determines that the data being queried is of a newly defined data type, the query device may retrieve the query tools from the query component information store to assist the user in generating a query. The query tools may then generate a display allowing users to select the information needed to query data of the newly defined data type. Query statement generating components of the query device then generate the necessary query statements, and issue those statements to the database management system, which may be a remote system.

Accordingly, Asami simply does not disclose "formulating, by a client device, a vendor-agnostic data service request to be fulfilled by one or more vendors." Even assuming arguendo that the above described database management system of Asami is capable of reading on the one or more vendors of amended claim 1, and that the query device is capable of reading on the client device of amended claim 1 (Applicants

strongly contest these assumptions, but such contentions need not be addressed at this time), the query statements formulated/generated by Asami in no way anticipate the “vendor-agnostic data service request” of amended claim 1. In Asami, the query statements are directed to a specific database management system having the newly defined data type to retrieve specific data stored in that database. Such a query simply can not be described as vendor/database-agnostic.

It further follows that Asami fails to teach “sending, by the client device, the vendor-agnostic data service request to a framework service adapted to determine the one or more vendors to fulfill the request or to further provide the request to a service providing server capable of determining the one or more vendors to fulfill the request.” In Asami, the query statements are sent directly to the system having the database to be queried, not to an intermediary framework service, as in amended claim 1. This framework service of amended claim 1 further illustrates the vendor-agnostic nature of the request, as it is the framework service (or a service providing server to which the framework service sends the vendor-agnostic data service request) that determines the one or more vendors that will respond to the service request. In Asami, there is no need for an intermediary system between the query device and database management system as the query-statements are not database-agnostic. Thus, Asami fails to teach both a vendor-agnostic data service request and the sending of that request to a framework service adapted to determine one or more vendors to respond to the request.

Accordingly, amended claim 1 is not anticipated by Asami under 35 U.S.C. §102(e).

Claims 4 and 6-12 depend from claim 1, incorporating its limitations. Accordingly, for at least the same reasons, claims 4 and 6-12 are not anticipated by Asami under 35 U.S.C. §102(e).

### Claim Rejections – 35 U.S.C. § 103

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); see also MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

1. In “Claim Rejections – 35 USC § 103,” item 6 on page 7 of the above-identified Office Action, claim 2 has been rejected as being unpatentable over Asami in view of U.S. Patent No. 6,449,633 to *Van et al.* (hereinafter “Van”) under 35 U.S.C. § 103(a).

As stated above, Asami fails to teach or suggest required, recited operations of the present invention, as claimed in amended claim 1. Van fails to cure these deficiencies. Thus, even when combined with Asami, the cited art fails to suggest novel features that are noted when the invention of amended claim 1 is viewed as a whole.

Claim 2 depends from amended claim 1, incorporating its limitations. Consequently, claim 2 is patentable over the combination of Asami and Van.

2. In “Claim Rejections – 35 USC § 103,” item 7 on page 7 of the above-identified Office Action, claim 13 has been rejected as being unpatentable over Asami in view of U.S. Patent Publication No. 2002/0056117 to *Hasegawa et al.* (hereinafter “Hasegawa”) under 35 U.S.C. § 103(a).

As stated above, Asami fails to teach or suggest required, recited operations of the present invention, as claimed in amended claim 1. Hasegawa fails to cure these deficiencies. Thus, even when combined with Asami, the cited art fails to suggest novel features that are noted when the invention of amended claim 1 is viewed as a whole.

Claim 13 depends from amended claim 1, incorporating its limitations. Consequently, claim 13 is patentable over the combination of Asami and Hasegawa.

Conclusion

In view of the foregoing, reconsideration and allowance of claims 1-2, 4, and 6-15 are solicited. Applicant submits that claims 1-2, 4, and 6-15 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.



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Dated: August 23, 2006

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